

RE 585 (Rev. 3/99)

- ❖ Read instructions on Complaint Form Instructions (Lender Fraud) (RE 585A) before completing this form.
- ❖ Type or print clearly in ink.
- ❖ Mail or hand deliver completed form and attachments to the appropriate office; see RE 585A.

RECEIVED DATE

PROVIDE A BRIEF CHRONOLOGY OF THE LOAN, FROM APPLICATION TO FUNDING, THE FACTS MISREPRESENTED TO, OR NOT DISCLOSED TO, YOU THE LENDER.

1. FULL NAME OF BUSINESS, COMPANY, FIRM	BUSINESS TELEPHONE NUMBER (INCLUDE AREA CODE) ()
BUSINESS ADDRESS (STREET ADDRESS, CITY, STATE AND ZIP CODE: INCLUDE ROOM, APARTMENT OR SUITE #, IF ANY)	

2. FULL NAME OF SALESPERSON, AGENT, OR REPRESENTATIVE	EMPLOYED BY
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FULL NAME OF SECOND LICENSEE, IF ANY	EMPLOYED BY
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3. DATE(S) OF TRANSACTION	PLACE(S) WHERE TRANSACTION(S) OCCURRED
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ADDRESS OF PROPERTY INVOLVED

4 HAVE YOU CONTACTED THE BUSINESS REGARDING YOUR COMPLAINT?

☐ YES ☐ NO IF YES, COMPLETE THE FOLLOWING.

DATE(S) OF CONTACT	PERSON(S) CONTACTED
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RESULTS OF CONTACT

1. HAVE YOU CONTACTED THE BORROWER REGARDING YOUR COMPLAINT?

☐ YES ☐ NO IF YES, COMPLETE THE FOLLOWING.

DATE OF CONTACT	TELEPHONE NUMBER (INCLUDE AREA CODE)
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PERSON(S) CONTACTED

ADDRESS — STREET ADDRESS, SUITE NUMBER, CITY, STATE AND ZIP CODE

RESULTS OF CONTACT

COMPLAINANT INFORMATION

1. Attach to the complaint, a statement on company letterhead, which contains the following information:

(INDICATE WHICH INFORMATION IS INCLUDED IN THE STATEMENT.)

NOT		
INCLUDED	INCLUDED	INFORMATION NEEDED IN STATEMENT
<input type="checkbox"/>	<input type="checkbox"/>	a. Name, title and occupational designation of the individual making the complaint on behalf of the lending institution (person to testify/introduce evidence).
<input type="checkbox"/>	<input type="checkbox"/>	b. Name, address and phone number of the current custodian of records for the subject loan (<i>where and who has the files to be subpoenaed</i>).
<input type="checkbox"/>	<input type="checkbox"/>	c. Name, address and phone number of the borrower, if different from that in the loan file (<i>where we can find the witness</i>).
<input type="checkbox"/>	<input type="checkbox"/>	d. Name, address and phone number of lender's employees (<i>witnesses</i>) who: <ul style="list-style-type: none"> • Had contact with borrower or borrower's broker; • Underwrote the loan; • Approved the loan for funding; • Approved the loan for sale to a note purchaser; • Audited the loan file.
<input type="checkbox"/>	<input type="checkbox"/>	e. If any of the above employees no longer works for the lender, it would be appreciated if the lender could provide the last known forwarding address of such former employee (<i>DRE will have to subpoena the employee</i>).
<input type="checkbox"/>	<input type="checkbox"/>	f. A statement by the funding loan officer (<i>testify for the lender/victim</i>) that: <p>"I (<i>name</i>) as loan officer who approved funding of the subject loan (<i>loan number</i>) certify said loan would not have been funded because that loan failed to meet required loan standards in that ... (<i>see examples below</i>)."</p> <ul style="list-style-type: none"> • the loan would have been made only if (<i>i.e., the down payment was \$____</i>); • borrowers' income was \$____; • property was owner-occupied; • the appraised value was \$____; • etc. <p>"Had I known the facts (<i>spell out what the facts are</i>), I would not have approved the funding of the subject loan."</p>
<input type="checkbox"/>	<input type="checkbox"/>	g. If the loan officer who approved funding of the loan is no longer available, a statement by a current loan officer (<i>testify as lender/victim</i>) that: <p>"I (<i>name</i>) am and have been since (<i>year</i>) a loan officer with (<i>lender</i>). I am familiar with the applicable lending criteria in effect during the time for the subject loan and certify that the subject loan (<i>loan number</i>) would not fund because the loan failed to meet the required standards, in that ... (<i>see examples below</i>)."</p> <ul style="list-style-type: none"> • the loan would have been made only if (<i>i.e., the down payment was \$____</i>); • the income was \$____; • property was owner-occupied; • the appraised value was \$____; • borrower's debts were no greater than \$____ • etc.

"Had the lender (*name*) known the facts (*spell out what the facts are*), the lender would not have approved the funding of the subject loan (*reliance*)."

☐ ☐ h. "The lender's loss or potential loss due to the fraud or attempted fraud was \$_____ (*damages*)"

2. Attach the following documents to the complaint.

Check the appropriate box beside each document. Please provide an explanation on page 5 for each missing document.

<i>NOT</i>		
<u>ATTACHED</u>	<u>ATTACHED</u>	<u>DOCUMENTS NEEDED</u>
<input type="checkbox"/>	<input type="checkbox"/>	a. The complete loan file (<i>for evidence purposes</i>) including all:
<input type="checkbox"/>	<input type="checkbox"/>	• Loan applications and supporting documents
<input type="checkbox"/>	<input type="checkbox"/>	• Promissory notes and security instruments such as trust deeds
<input type="checkbox"/>	<input type="checkbox"/>	• Credit reports
<input type="checkbox"/>	<input type="checkbox"/>	• Appraisals
<input type="checkbox"/>	<input type="checkbox"/>	• Verifications of deposit and employment
<input type="checkbox"/>	<input type="checkbox"/>	• Documents of the transaction for which the loan was made, i.e., purchase contracts, escrow instructions and closing statements
<input type="checkbox"/>	<input type="checkbox"/>	• Disclosure statements
<input type="checkbox"/>	<input type="checkbox"/>	• Correspondence with borrowers and borrower's broker
<input type="checkbox"/>	<input type="checkbox"/>	• Phone logs, phone messages
<input type="checkbox"/>	<input type="checkbox"/>	• Underwriting worksheets
<input type="checkbox"/>	<input type="checkbox"/>	• Funding worksheets
<input type="checkbox"/>	<input type="checkbox"/>	• Auditing worksheets, if subject loan was internally audited
<input type="checkbox"/>	<input type="checkbox"/>	• Memoranda amongst employees relating to the subject loan
<input type="checkbox"/>	<input type="checkbox"/>	• Collection ledgers for as long as the lender held the note
<input type="checkbox"/>	<input type="checkbox"/>	• Transmittal material to note purchasers (such as FNMA or FHLMC)
<input type="checkbox"/>	<input type="checkbox"/>	• Cover letter from MLB
<input type="checkbox"/>	<input type="checkbox"/>	• Notes of any conversations with MLB or MLB employees
<input type="checkbox"/>	<input type="checkbox"/>	b. Foreclosure files in complete original form (<i>evidence purposes</i>)
<input type="checkbox"/>	<input type="checkbox"/>	c. A copy of the lender's policy or standards for making that particular type of loan, in effect at the time of the loan (<i>establish fraudulent reliance</i>).
<input type="checkbox"/>	<input type="checkbox"/>	d. Any information, documents, conversations, etc. that you feel would link a particular licensee to the submission of the alleged fraudulent information (<i>clues</i>).
<input type="checkbox"/>	<input type="checkbox"/>	e. A copy of the lender's investigation file, if initiated on the subject loan. This should include the investigative report, names, addresses and statements of all investigators and witnesses (<i>clues as to other evidence or witnesses</i>).
<input type="checkbox"/>	<input type="checkbox"/>	f. If the loan was referred to the Office of Thrift Supervision (OTS) for investigation, please include a copy of the completed OTS Form 366 (OTS Criminal Referral Form) (<i>clues</i>).

EXPLANATIONS (if any)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

I certify under penalty of perjury that the foregoing statement and attachments thereto are true and correct. Signed this _____ day of _____, _____, in the city of _____, State of California.

SIGNATURE OF COMPLAINANT

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